



Appeal Decision

Site visit made on 26 June 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/D3830/W/25/3361330

Maltings Farm, Malthouse Lane, West Sussex, Hurstpierpoint, BN6 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission
 - The appeal is made by Andrew and Chris Funnell and Gargan against the decision of Mid Sussex District Council
 - The application Ref is DM/24/2467
 - Creation of walled garden, new tree planting and landscaping (part-retrospective)
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The wall is in place with landscaping. The appeal scheme proposes some modifications including a reduction in height of the current piers and the removal of external lighting.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reason

4. The appeal property comprises a detached residential dwelling (The Maltings) situated immediately adjacent to a commercial livery yard (Maltings Farm). The barns and stables associated with the livery yard are situated to the north of the house. Immediately to the north east is Burgess Hill Green Circular Route (a bridleway) and just beyond that, the A273. To the south are paddocks, understood to be associated with the livery, and to the west are dispersed residential properties. The western boundary of the property also features a substantial brick wall.
5. The countryside to the south of the appeal property is predominantly pastureland punctuated with heavily treed field boundaries and small copses. The area is well served by public rights of way and, despite some noise disturbance from the A273, the area has a pleasant rural character. On my visit I noticed that many properties in the area have post a rail fencing in rural fringe locations.
6. The proposal is for the erection of a 'walled garden' to the east of the property, with a large brick wall surrounding the northern and north-eastern perimeter of an area of land to the east of the house.

7. From a review of the submitted drawings and following my site visit, I consider that the proposal could more accurately be described as a 'perimeter wall'. It was not clear from my site visit whether the wall encloses a garden.
8. The wall is substantial in size and construction, with the submitted plans showing that the northern and eastern elevation being some 44.2 metres and 35.6 metres in length respectively. The wall varies in height with the arch of the wall being approximately 4.2 metres, and the other elements of the wall being between 2.8 and 2.9 metres. These figures quoted in the officer's report have not been disputed by the appellant.
9. Since the previous application and appeal decision¹ the scheme has been amended and now includes a proposed reduction in the height of the piers, the removal of the external lighting and the introduction of landscaping between the wall and bridleway.
10. Whilst the materials used for the wall and detailing are reflective of the host dwelling, the consideration given to the design and the proposed reduction in the height of the piers does little to mitigate the impact resulting from its size.
11. The height and length of the wall will still appear imposing and incongruous in the rural setting. The effect is compounded by the slightly raised garden levels relative to the adjoining land, which accentuates its dominance in views along the bridleway and from the approach to the south.
12. Although the wall is set back from the boundary, it presents a pronounced and imposing feature when viewed along the bridleway. Its height is unwarranted for its intended purpose. Even with the amendments, the height and substantial presence of the wall will continue to appear severe and unexpected in this rural fringe location. This effect is particularly prominent when approaching walking along the bridleway from the south where there are views of open countryside before approaching the appeal site.
13. I noted during my site visit that the significant new planting had been introduced, including new trees and plants growing against the wall itself. Whilst the landscaping has a softening effect on the wall, and may develop further in time, I do not consider it appropriate for the development to be contingent on this to shield views, which I consider to be inherently harmful.
14. Whilst the removal of the lighting will eliminate a potential source of visual intrusion at night, and lessen the domestic appearance of the wall overall, it is considered a minor improvement that will not materially change the appearance of the wall or harm I have identified.
15. I acknowledge the appellant's case that the wall provides noise attenuation and privacy benefits, and I have no reason to doubt the conclusions of the submitted noise report. Nevertheless, I do not consider that the benefits of the scheme outweigh the harm that I have identified relating to the character and appearance of the countryside.
16. Whilst the appellant claims that a boundary wall up to 2 metres in height could be constructed in this location under permitted development rights, from my

¹ APP/D3830/D/24/3349584

observations and the evidence submitted, this does not appear to be an assured fallback position. In any event, this does not alter my conclusion in relation to the harm I have identified from the present wall which is constructed to a larger scale.

17. For the reasons above, the wall is considered to adversely affect both the character and appearance of the surrounding countryside, being insensitive to its countryside context, failing to preserve the rural and landscape character. Consequently, the proposal conflicts with Policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 (adopted 2018), and Policy C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan 2015. For the same reasons, the development does not comply with the objectives of the National Planning Policy Framework regarding well-designed places and the conservation and enhancement of the natural environment.

Conclusions

18. For the reasons outlined above, I conclude that the appeal should be dismissed.

JJ Packman

INSPECTOR